

# Exhibit 3

## **Child and Adolescent Psychiatry Opinion on the Illinois Moment of Silence Statute:**

**Louis J. Kraus, MD**  
**Date of Report: July 25, 2008**

### **I. Referral Source:**

I was initially contacted by Harvey Grossman of the ACLU.

### **II. Review of Documents:**

I reviewed Public Act 095-0680: An Act concerning education. Being enacted by the people of the state of Illinois, represented in the General Assembly;

Section V. The silent reflection and student prayer Act is amended by changing Section I as follows:

(105 ILCS 20/1: From CH. 122, par. 771)

Sec. 1. In each public school classroom the teacher in charge shall observe a brief period of silence with participation of all the peoples therein assembled at the opening of every school day. This period shall not be conducted as a religious exercise but shall be an opportunity for silent prayer or for silent reflection on the anticipated activities of the day  
(Source: P.A. 76-21.)

Section 99: Effective Date. This Act takes effect on becoming law.  
**Effective Date: 10/11/2007**

### **Opinion:**

1. My opinions are based on my background as a child and adolescent psychiatrist, forensic psychiatrist, general psychiatrist, and as a licensed physician within the state of Illinois. My qualifications and experience are set forth in the attached Exhibit A. The cases in which I have testified over the past four years are set forth in the attached Exhibit B. My opinions are based on a reasonable degree of medical certainty.
2. To understand the impact that this Act will have on children one must differentiate developmental stages by age groups. This will most easily be done by differentiating 1) elementary school age children (kindergarten through fifth grade), 2) middle age school children (sixth through eighth grade) and 3) high school students (ninth through twelfth grade).

3. Children who are in elementary school will not yet have the ability for significant abstract reasoning. As such, they will take the information presented to them in a concrete way, focusing on prayer, not being able to think about the options and their more significant meaning. As such, being told that they have "the opportunity for silent prayer or for silent reflection" will essentially have the meaning of silent prayer. A child this age is not going to have an understanding of silent reflection. Putting the term silent prayer in front of this is going to result in the whole statement being understood as silent prayer. Most churches, temples, or mosques have some type of silent meditation or silent reflection as part of their prayer. For a young child, this will not be differentiated from prayer. For a child this age, this statement would be identical to saying that you need to pray during this period of time. This would not be any different than a child's view of the pledge of allegiance or being required to say "here" for attendance. More importantly, for a child whose belief system doesn't allow them to pray, this would be an even more confusing statement. For example, a child who has been raised in a family who are atheist. In addition, there are religions that don't have silent prayer. For some, prayer may involve some type of movement such as bending or getting down on one's knees or facing a particular direction, etc. All of which could potentially make the child stand out and be an object of teasing or harassment. Based on my experience with young children in particular with interrogation by governmental authorities, young children are more susceptible to leading requests and typically aim to please the adult. As such, if they feel that prayer is what is being requested, they will do it.
4. Children in the middle school age group (6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup>), begin to develop abstract reasoning. They begin to understand information given them and try to understand their meaning. However, the most important component to children this age is typically social acceptance.  
  
Children at this age do not want to be seen differently. They will be more likely to succumb to peer pressure and be part of a group as opposed to expressing individual thoughts so as not to be seen as different. At the same time, these children are very apt to talk about feelings that they have and behaviors such as praying or not praying. One can only imagine for these young teenagers how these discussions combined with the peer pressure children feel could impact their ongoing social development. For example, this can result in them being teased, socially isolated with resulting shame, anxiety, low self-esteem and depressive symptoms. Again, by putting the phrase "silent prayer" and "silent reflection" together, one is essentially expressing to these young teenagers that the focus is on silent prayer. Abstract reasoning is still a developing phase. The group pressure and impact would more likely than not be quite significant.

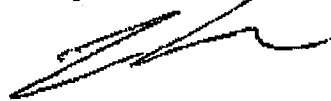
Lastly, as described in the elementary school section, different religions have different ways of praying, many of which require speaking words, looking in certain directions, bowing, being on one's knees, etc. This will place children in an embarrassing position. As young teenagers, they are often required to pray as adults would pray. Although we would like to feel there is no prejudice, the reality is that there are children that will be teased and harassed as a result of this process. My experience in school consultations and understanding of this age group helps solidify my opinion in this area.

5. This opinion will focus on high school students. High school students will essentially range in age from 14 to 18. They have developed the ability for abstract reasoning and more than that the ability for individual thought. Of the many late adolescent developmental issues, this is most relevant. However, it is important to realize that students at this age will also begin to express strongly their individual thoughts. For example, students who are atheists or essentially believe that religion and education should be separate, may take a strong verbal stance which could result in them getting in trouble or at best, drawing negative attention and being penalized. High school is a particularly difficult time as students are attempting to achieve their own level of self-identity. In my opinion, this will lead to a relatively large number of high school children challenging this issue and potentially subjecting themselves to disciplinary actions. At best this will result in them being an outcast. They will be at more risk for teasing or harassment.
6. The high school student will be able to differentiate the concept of prayer versus silent reflection. However, the issue itself is so complex as to potentially place them in harms way, such as disciplinary action or harassment from peers. Public high school is complex enough with significant social demands. This would only add to those issues. In my opinion, this would not be in the child's best interest, nor would it assist with their basic educational needs.

### III. Compensation:

I received \$300 per hour for my time in preparing this opinion, resulting in \$900 total compensation.

If there are any additional questions regarding these opinions I can be reached at my office at 847-559-0560.



Louis J. Kraus, MD

**Declaration Pursuant to 28 U.S.C. § 1746**

I, Louis J. Kraus, MD, declare under penalty of perjury that the foregoing "Child and Adolescent Psychiatry Opinion on the Illinois Moment of Silence Statute" is true and correct.

Executed on July 25, 2008



A handwritten signature in black ink, appearing to read "L. J. Kraus, MD", is written over a horizontal line.

Affiant